



Issued: August 7, 2019

**TOWN PLAN AND ZONING COMMISSION REGULAR MEETING
MONDAY, AUGUST 5, 2019
LEGISLATIVE CHAMBER, ROOM 314
TOWN HALL, WEST HARTFORD, CT 06107**

FINAL MINUTES

ATTENDANCE: Chair: Kevin Ahern, Vice Chair: Kevin Prestage, Commissioners: Liz Gillette, John O'Donnell, Alternates: Gordon Binkhorst, Andrea Gomes
Staff: Todd Dumais, Town Planner; Catherine Dorau, Associate Planner;
Gina M. Varano, Assistant Corporation Counsel

ABSENT: Commissioner: Michele Maresca

CALL TO ORDER/ROLL CALL: 7:00 P.M.

MATTERS FOR PUBLIC HEARING SHALL BE CALLED AT 7:15 P.M.

MINUTES:

1. Approval of Minutes:
 - a. Minutes of the Regular Meeting, Monday, July 8, 2019
Motion/Binkhorst; Second/Prestage; Vote 4-0. (Binkhorst seated for O'Donnell)

COMMUNICATIONS:

2. a. **637 New Park Avenue** – Application (SUP #1341) of Tate Norden on behalf of Gastro Park LLC, Letter requesting to open and immediately continue the public hearing to September 4, 2019. *Received.*

NEW BUSINESS:

3. **204 Fern Street and 1563 Asylum Avenue (Elizabeth Park)** - Application (SUP #1343) of Mary Dehais, TO Design, LLC, on behalf of the City of Hartford (R.O.) requesting approval of a Special Use Permit to improve the gateway entrance and construct a bituminous concrete pedestrian walkway from Fern Street to Elizabeth Park. Additional landscaping is also proposed. (Submitted for TPZ receipt on August 5, 2019. Suggest required public hearing be scheduled for September 4, 2019.)

The TPZ acted by **unanimous vote (5 - 0)** (Motion/Prestage; Second/Binkhorst) (Binkhorst seated for Maresca) to schedule this matter for public hearing on **Wednesday, September 4, 2019 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.**

4. **170 Kingswood Road – Kingswood Oxford School** – Application (SUP #1345) of Amy Raisner, on behalf of Kingswood Oxford School, requesting approval of a Special Use Permit for the temporary use of portable lights on the Hoffman turf field for two (2) night games each night on October 18, 2019 and November 8, 2019. (Submitted for TPZ receipt on August 5, 2019. Suggest required public hearing be scheduled for September 4, 2019.)

The TPZ acted by **unanimous vote (5 - 0)** (Motion/Prestage; Second/Gillette) (Gomes seated for Maresca) to schedule this matter for public hearing on **Wednesday, September 4, 2019 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.**

5. **141 North Main Street** – Application (SUP #1346) of Andrew Vernon, Vernon Ventures LLC, requesting approval of a Special Use Permit to allow for a drop-in child care center (Moppets Drop-In) located in the Montessori School of Greater Hartford building. The center will have a maximum capacity of 34 children (28 for ages 3-12 and 6 for ages 0-2). (Submitted for TPZ receipt on August 5, 2019. Suggest required public hearing be scheduled for September 4, 2019.)

The TPZ acted by **unanimous vote (5 - 0)** (Motion/Gillette; Second/Binkhorst) (Binkhorst seated for Maresca) to schedule this matter for public hearing on **Wednesday, September 4, 2019 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.**

6. **1678 Asylum Avenue – University of Saint Joseph** – Application (IWW #1110) of Shawn Harrington, on behalf of the University of Saint Joseph, requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland area. The applicant is proposing the construction of an approximately 24,535 s.f. footprint (31,174 g.s.f.) addition to the existing O'Connell Athletic Center with associated site, grading, drainage, and utility improvements. A portion of the proposed project takes place within 150' upland review areas. (Submitted for IWWA receipt on August 5, 2019. Presented for determination of significance.)

The TPZ acted by **unanimous vote (5 - 0)** (Motion/O'Donnell; Second/Gomes) (Gomes seated for Maresca) to schedule this matter for public hearing on **Wednesday, September 4, 2019 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.**

7. **1678 Asylum Avenue – University of Saint Joseph** – Application (SUP #1347) of Shawn Harrington, on behalf of the University of Saint Joseph, requesting approval of a Special Use Permit to allow the construction of an approximately 24,535 s.f. footprint (31,174 g.s.f.) addition to the existing O’Connell Athletic Center with associated site, grading, drainage, and utility improvements. (Submitted for TPZ receipt on August 5, 2019. Suggest required public hearing be scheduled for September 4, 2019.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/Prestage, Second/Gillette) (Gomes seated for Maresca) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on **September 4, 2019 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.**

OLD BUSINESS:

8. **207 Bloomfield Avenue** – Application (SUP # 1306-LB-19) of Karen Casey on behalf of The Hartford Roman Catholic Diocesan Corporation, requesting TPZ review of compliance with the conditions of SUP #1306. Originally approved June 5, 2017 to allow, the Catholic Campus Ministry Center. The Center includes offices for the campus minister and campus chaplain, a small chapel, a dining area and study rooms available to students, faculty and staff from the University of Hartford. (Submitted for TPZ receipt on July 8, 2019. Required public hearing scheduled for August 5, 2019).

The TPZ acted by **unanimous vote (5-0)** (*Motion/Gillette; Second/Gomes*) (*O'Donnell recused; Binkhorst seated for O'Donnell, Gomes seated for Maresca*) to determine that the Special Use Permit did not require additional conditions of approval.

9. **1678 Asylum Avenue – University of Saint Joseph** – Application (SUP # 1286-LB-19) of Andrew Levesque on behalf of the University of Saint Joseph, requesting TPZ review of compliance with the conditions of SUP #1286. Originally approved July 10, 2017 to allow a practice soccer field at the Northeast corner of the University’s property, along Albany Avenue and adjacent to Saint Mary Home. The field is unlit and restricted to usage between the hours of 8 am and 8 pm. (Submitted for TPZ receipt on July 8, 2019. Required public hearing scheduled for August 5, 2019).

The TPZ acted by **unanimous vote (5-0)** (*Motion/Gomes; Second/O'Donnell*) (*Gomes seated for Maresca*) to determine that the Special Use Permit did not require additional conditions of approval.

10. **61 Raymond Road – Skeleton Key** – Application (SUP # 1307-LB-19) of Ray Weaver on behalf of SOF-IX Blueback Square LP, requesting TPZ review of compliance with the conditions of SUP #1307. Originally approved June 5, 2017 to allow, an indoor amusement

facility that fosters communication, leadership, and problem solving skills in a group setting. (Submitted for TPZ receipt on July 8, 2019. Required public hearing scheduled for August 5, 2019).

The TPZ acted by **unanimous vote (5-0)** (*Motion/Binkhorst; Second/O'Donnell*) (*Binkhorst seated for Maresca*) to determine that the Special Use Permit did not require additional conditions of approval.

11. **Spicebush Swamp Park – Parcel ID 370111730101 – On Mountain Road** – Application (IWW #1109) of the Town of West Hartford, (Helen Rubino-Turco, Director of Leisure Services) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a watercourse. The applicant is proposing to dredge McGovern Pond, located within Spicebush Swamp Park, to maintain the habitat and current use as an educational location and deposit the dredged materials in adjacent upland review areas. The proposed project takes place within McGovern Pond and adjacent 150' upland review areas. (Submitted for IWWA receipt on July 8, 2019. Determined to be potentially significant and public hearing scheduled for August 5, 2019.)

The IWWA opened and continued the matter to **Wednesday, September 4, 2019** at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

12. **637 New Park Avenue** – Application (SUP #1341) of Tate Norden on behalf of Gastro Park LLC, requesting approval of a Special Use Permit pursuant to Section 177-37.4 to permit a food truck park to be located at 637 New Park Avenue. The proposed food truck park will include space for up to four food trucks; indoor dining, bar and games areas; outdoor dining and games patio; and associated site parking. (Submitted for TPZ receipt on July 8, 2019. Required public hearing scheduled for August 5, 2019).

The TPZ opened and immediately continued, without testimony, the matter to **Wednesday, September 4, 2019** at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

13. **380 Tunxis Road (a.k.a. Middle Road, Farmington)** – Application (IWW#1097) of Orchard Heights Developers, LLC, (R.O.) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland area. The applicant is proposing a six (6) lot subdivision with associated site improvements, including a proposed public cul-de-sac street, stormwater/drainage and site grading on an approximately 2.6 acre parcel of land. Much of the proposed work is within the 150' upland review area. (Submitted for IWWA receipt on March 4, 2019. Determined to be potentially significant and scheduled public hearing on April 1, 2019, hearing opened and immediately continued to May 6, 2019, then to June 3, 2019, and again to July 8, 2019. Public Hearing closed on July 8, 2019 and deliberations continued to August 5, 2019.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (*Motion/O'Donnell; Second/Prestage*) (*Binkhorst seated*)

for Maresca) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

380 TUNXIS ROAD
INLAND WETLAND APPLICATION IWW #1097
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **380 Tunxis Road (a.k.a. Middle Road)** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1097** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

- [1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application.
- [2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;
- [3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.
- [4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.
- [5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;
- [6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.
- [7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and
- [8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition, the Agency considered measures, which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.

- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel(s) of land is located **380 Tunxis Road (a.k.a Middle Road)**.

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein and modified by the conditions below.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as amended.
- 3.) Weekly inspection reports of the sediment and erosion controls shall be submitted to the Town Planner. Additional erosion and sediment control measures shall be implemented and/or installed throughout the course of construction as/if deemed necessary and directed by the Design Engineer and/or West Hartford Town officials.
- 4.) Prior to the start of any site disturbance, all sediment and erosion controls and tree protection shall be installed. Once installed, but before the commencement of any disturbance, the Town Planner shall be notified and provided the opportunity to inspect.
- 5.) A wetland or soil scientist shall monitor the installation and plantings in the Open Space areas. Minor modifications to the Applicant's planting plan may be approved by the Town Planner in consultation with the Applicant's wetland or soil scientist as appropriate, but there shall be no reduction in the number of native species proposed, nor in their size or location. A final report of completion of work, prepared by the wetland or soil scientist, shall be submitted to the Town Planner.
- 6.) The Applicant shall submit to the Town Planner for review and approval by the Town Engineer final as-built plans certifying that all grading and public improvements were completed in accordance with the approved plans. Such certification shall be made by a registered professional engineer.
- 7.) The permit shall expire if not exercised within ten (10) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

14. **380 Tunxis Road (a.k.a. Middle Road, Farmington)** – Application (SUB #298) of Orchard Heights Developers, LLC, (R.O.) requesting approval of a six (6) lot residential subdivision including a proposed public cul-de-sac street and stormwater drainage infrastructure on approximately 2.6 acres of land located in a R-10 single family zone. The applicant is requesting a waiver to the sidewalk requirement as required by Section 184-24 of the West Hartford Subdivision Regulations. (Submitted for TPZ receipt on March 4, 2019. Required public hearing scheduled for April 1, 2019, hearing opened and

immediately continued to May 6, 2019, then to June 3, 2019, and again to July 8, 2019. Public Hearing closed on July 8, 2019 and deliberations continued to August 5, 2019.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 - 0)** (*Motion/O'Donnell; Second/Prestage*) (*Binkhorst seated for Maresca*), to **APPROVE** the Subdivision application with conditions. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. Plans of record are incorporated by reference in this approval as fully set forth herein and modified by the conditions below.
2. The subdivision approval is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as amended.
3. Weekly inspection reports of the sediment and erosion controls shall be submitted to the Town Planner by a qualified professional. Additional erosion and sediment control measures shall be implemented and/or installed throughout the course of construction as/if deemed necessary and directed by the Design Engineer and/or West Hartford Town officials.
4. Prior to the start of any site disturbance, all sediment and erosion controls and tree protection shall be installed. Once installed, but before the commencement of any disturbance, the Town Planner shall be notified and provided the opportunity to inspect.
5. As offered by the Applicant during the public hearing, the "Planting Plan" on Sheet 9 of the Plans shall be modified as follows:
 - a. A ten foot wide "screening buffer" shall be located on the western property lines of Lot 1, Lot 2, Lot 3, Lot 4 and Lot 5. The screening buffer shall maintain any existing evergreen trees and shall be supplemented by evergreens trees or shrubs every seven feet on center, as may be necessary to maintain the screening buffer contemplated by this condition.
 - b. The "seeded lawn areas" of Open Space "1" and Open Space "2" shall be a New England meadow tall grass mixture and serve as a transition to the planted buffer.
 - c. The "planted buffer" of Open Space "1" and Open Space "2" shall include two rows of plantings every seven feet on center with the species variety and types as indicated on the plan.
6. The Applicant shall provide a financial guarantee (or guarantees) ensuring actual construction, maintenance and installation of the public improvements, utilities, and erosion and sediment controls, as shown on the Plans, in form(s) and amount(s) as are satisfactory to the Director of Community Development pursuant to Section 184-37 of the Subdivision Regulations and General Statutes §8-25(d)(1). Any such guarantee(s) relating to erosion and sediment controls shown on the sedimentation and erosion control plan shall be provided prior to the commencement of any improvements.
7. The Applicant shall establish a homeowners' association, which association shall be formed and recorded on the land records prior to the sale of any lot within the subdivision. The documents establishing that homeowners' association (and any separate documents establishing property owners' rights or obligations with respect to the stormwater management system, the underground fire protection water holding tank, Open Space "1", Open Space "2", "screening buffer" or the island located within the cul de sac on the proposed street, shall be reviewed and approved in advance by the Office of West Hartford Corporation Counsel and shall ensure that, at a minimum:

- a. The stormwater management system, the underground fire protection water holding tank, Open Space “1”, Open Space “2”, “screening buffer”, and the island located within the cul de sac on the proposed street shall be committed to ownership and maintenance by the homeowners’ association. During the period from commencement of construction of the level spreaders through the end of the declarant’s control of the homeowners’ association, the Applicant shall monitor all plantings located in and around the level spreaders and shall maintain those plantings according to the planting plan contained within the approved subdivision plans.
 - b. An annual maintenance plan shall be submitted by the Applicant to the West Hartford Town Planner.
 - c. It shall be the Association’s responsibility to inspect and report to the Town Planner annually regarding the maintenance of the stormwater management system to affirm that the maintenance plan is being followed.
 - d. The proposed Open Space “1” and Open Space “2” areas shall provide a stormwater management and a scenic conservation buffer function. To that end, they shall be maintained in a manner as shown on the Plan.
 - e. Adequate financial mechanisms exist to ensure that the homeowners’ association will regularly assess the members of the association to ensure that an adequate fund exists to ensure adequate maintenance of the stormwater management system, the underground fire protection water holding tank, Open Space “1”, Open Space “2”, “screening buffer”, and the island located within the cul de sac on the proposed street and the common areas located within the subdivision if not already specifically set forth herein.
8. The Town of West Hartford will have the right, but not the obligation, to:
 - a. Undertake:
 1. any repairs to the storm water system which may be necessary in the sole determination of the Town of West Hartford, to protect adjacent wetlands from the impacts of improper maintenance of the storm water system shown on the Plans; and/or
 2. any repair to the Open Space “1” or “2” as necessary to return those areas to conformance with the approved Plans.
 3. any inspections, maintenance or repairs to the underground fire protection water holding tank that may be necessary in the sole determination of the Town of West Hartford to protect the safety and welfare of the public.
 - b. Lien the lots within the subdivision to recover the costs of any inspections, maintenance or repair work undertaken pursuant to the preceding paragraph.
9. The form of legal documents conveying all lots to occupants of the homes to be constructed thereupon shall be reviewed by the Corporation Counsel to ensure that suitable references are made therein to alert purchasers of the mutual drainage easement and its need for regular maintenance of the infiltrator units located thereupon.
10. The Applicant shall submit to the Town Planner for review and approval by the Town Engineer final as-built plans certifying that all grading and public improvements were completed in accordance with the approved plans. Such certification shall be made by a registered professional engineer.

The final plans for subdivision shall be filed and recorded in the office of the Town Clerk within 90 days of the date of this approval. Failure to file the final plans in the prescribed time shall null and void the approval, except that the Commission may extend the time for such filing for two additional periods of 90 days, and the plans shall remain valid until the expiration of such extended time.

TOWN COUNCIL REFERRAL:

15. **10-60 Starkel Road** - Application filed on behalf of West Hartford Fellowship Housing, lessees of 10-60 Starkel Road, to amend existing Special Development District (SDD) #87. The amendment proposes to redevelop the existing 213 unit affordable housing complex. The proposed redevelopment contemplates the demolition of all the existing buildings, except for the building at 60 Starkel Road, and the construction of six new residential buildings, a new maintenance building, renovations to the 60 Starkel Road building, and associated parking facilities, site lightening, landscaping, recreational, pedestrian and site improvements. A total of 308 age-restricted and accessible units are proposed under the redevelopment. (Town Council receipt June 11, 2019. TPZ receipt July 8, 2019. Town Council public hearing scheduled for July 16, 2019.) *Deferred to 9/4/19.*

TOWN PLANNER'S REPORT:

16. **Plan of Conservation and Development Update:** Next TPZ Subcommittee meetings scheduled for August 14th and 28th.
Todd Dumais provided an update. The Commission scheduled the following additional subcommittee meetings: August 7th, 11th(Sunday), 14th, 15th, and 21st.

INFORMATION ITEMS:

REMINDER OF FUTURE TPZ REGULAR AND SPECIAL MEETINGS:

- TPZ Regular Meeting, Monday, September 4, 2019 @ 7:00 P.M.
- TPZ Regular Meeting, Monday, October 7, 2019 @ 7:00 P.M.
- TPZ Regular Meeting, Monday, November 6, 2019 @ 7:00 P.M.

“Any individual with a disability who needs special assistance to participate in a meeting or public hearing should contact Suzanne Oslander, Department of Social Services, 860.561.7580, seven days prior to the meeting or public hearing.”